IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 20576 of 2003

Between:

1 Cheemala Gopaiah s/o Papaiah,
R/o H.No. 22-2-166, Nehru Nagar, Paloncha, Khammam District
(Ex-Attender, Divl. Office, Paloncha).
2 C. Jaswanth Rao S/o Songu,
R/o Sirchelma, Ichoda Mandal, Adilabad District
(Ex.MCW, GPCMS, Ichoda).
3 Kathela Ramulu S/o Bheemrao
R/o H.No. 9-94/1, Dubarpet village, Ichoda Mandal, Adilabad District
(Ex-MCW, GPCMS, Ichoda).
4 N. Rajanna S/o Mallaiah
H.No. 8-147, S.B.H. Road, Utnoor, Adilabad District
(Ex-MCW, G.P.C.M.S., Utnoor).
5 M. Narasaiah S/o Pochanna,
R/o H.No. 5-5-3, check Post, Kothagudem, Utnoor, Adilabad District
(Ex-MCW, GPCMS, Utnoor).
6 K. Rajam S/o Pochanna,
R/o Gandhi Nagar, Jannaram, Adilabad District
(Ex-MCW, GPCMS, Adilabad).
7 M. Narasimham s/o Dharmanna
R/o H.No. C1/6/473, Santhi Nagar, Adilabad District
(Ex-MCW, GPCMS, Adilabad).
8 Shaik Malik s/o Shaik Jeelani,
r/o Utnoor, Adilabad District (Ex-Employee, GPCMS, Adilabad).
9 K. Sai Ram s/o Venkatga Narayana
R/o Potulavari Street, Brahmanapalli Street, Wyra, Khammam District
(Ex-MCW, GPCMS, Chittoor).
10 G. Yadagiri Rao S/o Pullaiah
R/o H.No. 9-2-24, Old Club Road, Khammam, Khammam District
(Ex-Sr.Asst, GPCMS, Chitoor).
11 K. Gopaiah S/o Guravaiah
R/o H.No. 5-200/60, Stambaninagar, Khammam, Khammam District
(Ex-Jr. Asst. GPCMS, Manugur).
12 D. Laxmana Chary s/o Venkatachary
R/o H.No. 10-5-91/14/1, Mamillagudem, Khammam

(Ex-Sr. Asst. GPCMS, Dammapeta).

13 G. Jayaram s/o Hanumaiah
R/o H.No. 9-4-213, Srinagar Colony, Karimnagar, Karimnagar District
Exc- Jr. Manager, Divisional Office, GCC Ltd., Asifabad).

14 T. Ananda Rao s/o Veeraiah
R/o Yellanda, Vardhannapet Mandal, Warangal District
(Ex-Sr.Asst, GPCMS, Mahadevpur).

15 V. Mallaiah s/o Sammaiah,
R/o Buddaram, Ghanpur Mandal, Warangal District
(Ex-Sr.Asst, GPCMS, Mahadevpur).

16 A. Kanakaiah s/o Sailu
R/o Damera, Athmakur Mandal, Warangal District
(Ex-Sr.Asst, Divl. Office, GCC Ltd., Eurnagaram).

17 T. Mohan Rao s/o Arjun Rao
R/o H.No. 11-10-158, Kashi Bugga, Warangal District
(Ex-Jr.Asst, GPCMS Ltd., Narsampet).

18 M. Rajesham S/o Jagannadham
R/o H.No. 8-3-34, Katta Rampur Street, Karimnagar, Karimnagar District
(Ex-Jr.Asst., GPCS Ltd., Ichoda).

19 K. Paramathma rao S/o Narsinga Rao,
R/o H.No. 1-9-853, Postal Colony, Hanumakonda, Warangal District
(Ex-Sr.Asst, GCC Ltd., Divl. Office,Eturunagaram).

20 S. Narayana s/o S. Ramaiah
R/o H.No. 19-2-74, Rangacharipeta, Warangal,
(Ex- Attender, GPCS Ltd., Narsampet).

21 P. Vaikuntam s/o P. Mallaiah
R/o H.No. 11-23-1663, L.B. Nagar, Warangal
(Ex-Attender, GPCS Ltd., Eturnagaram).

22 G. Agaiah S/o Muthaiah
R/o H.No. 5-318, Harijan colony, Hanumkonda, Warangal district
(Ex-MCW GPCS Ltd., Narsampet).

23 P. Ramakrishna s/o amaiah
R/o H.No. 9-43-2, Azad Street, Mulugu, Warangal District
(Ex-MCW, GPCS Ltd, Mulugu

24 M.D. Ibrahim s/o Musthafa,
H.No. 11-23-1763, Deshaipet road, Warangal
(Ex-Sr. Asst., Divl. Office, GCC Ltd., Eturunagaram).

25 S. Kameswara rao S/o S.P. Kameswara Rao,
R/o H.No. 13-199-16, New Madhusudhan Nagar, Malkajgiri, Secunderabad
(Ex-Jr. Manager, Divl, Office, GCC Ltd.,Bhadrachalam)

26 K. Bhoomaiah S/o Yellaiah
R/o Old Echoda, Adilabad (Ex-Attender, GPCMS, Echoda).

27 M. Deva Rao S/o Ramajee,
H.No. 6-8-22/1, Power House, Adilabad (Ex-CCPA, GPCMS Ltd., Jainoor).

28 G. Kannaiah S/o Muthaiah
r/o H.No. 7-3-28, Tatiguda, Adilabad.
(Ex-Manager, Divl. Office, GCC Ltd., Utnnor).

29 M. Rajeswar S/o Shankaraiah
R/o H.No. 1-4-536, Ramnagar, Nirmal, Adilabad District
(Ex-Jr,. Assistant, GPCMS, Utnoor).

30 M. Maruthi S/o Laxman
r/o Jatharla, M. Bazar, Adilabad (Ex-MCW, GPCMS,

Ichoda, Adilabad District).
31 Rathod Bausilal S/o R. Devla,
R/o Vijayanagar Colony, Narnoor Mandal, Adilabad
(Ex-MCW, GPCMS, Utnoor).
32 A. Jaithu s/o Raghu S/o Rebbenapally, Ippalaguda, Dandepally Mandal
Adilabad District (Ex-MCW, GPCMS, Jannaram).
33 N. Chinnu s/o Somu
R/o Chintapally, Tiryana Mandal, Adilabad District
(Ex-MCW, GPCMS Asifabad).
34 Ch. Chandraiah S/o Narasaiah
R/o Repallewada, Tandur, Adilabad District (Ex-MCW, GPCMS Asifabad).
35 D. Babu Rao S/o Ganapathi
R/o Bazaruwada, Asifabad, Adilabad District
(Ex-Attender, Divl. Office, GCC Ltd., Utnoor).
36 Md. Abdul Ali s/o Md. Abdul Hameed,
R/o H.No. 1-3-123, Bhainsa, Adilabad District
(Ex-Jr. Asst. Soap Unit, Nirmal).
37 J. Ramulu s/o Posetti,
R/o H.No. 1/26, Harijanawada, Ichoda, Adilabad District
(Ex-MCW, Soap Unit, Nirmal).
38 A. Chandanchah S/o Sakkaram,
R/o Kothaguda, Nagobaguda, Dhanthanpalli, Utnoor, Adilabad District
(Ex-MCW, GPCMS,. Ltd., Utnoor).
39 Y. Sammaiah S/o Kannaiah
R/o H.No. 12-445, Akulavari Chanapur, Eturnagaram, Warangal district
(Ex-Employee, GPCMS, Eturnagaram).
40 K. Dharmaraju Dora s/o Appanna Dora,
R/o Foluksupeta, K. Gothapalli, Gokavaram Mandal, East Godavari District
(Ex-M.C.W. GPCMS, Rampachodavaram
41 A. Ramakrishna Rao s/o Ramanna
R/o H.No. 80-22-8, Jaishree Gardens, 3rd Street, Anala Venkatapparao road,
Rajahmundry - 533 105 (Ex-Divl. Manager, GCC Ltd).
42 K. Satyanarayana aS/o Venkatanarayana
R/o Mutha Dharamma Veedhi, Rampachodavaram, East Godavari District
(Ex. Jr. Asst. GPCMS, Adda Tegala).
43 M. Prakasham s/o Venkateswarlu
r/o Sivalayam veedhi, Rampachodavaram East Godavari District
(Ex-MCW, GPCMS, Rampachodavaram).
44 D. Satyanarayana S/o Venkata Rao
R/o H.No. 70-15-94, Suresh Nagar, Kakinada, East Godavari District
(Ex-Sr. Asst. GPCMS, Adda Tegala).
45 B. Bhaskara Rao s/o Bhairva Swamy
r/o H.No. 5-96, Santhoshnagar, A.P.S.P. Post,Kakinada,
East Godavari District (Ex-Sr. Asst. GPCMS, Adda Teegala).
46 K. Prakasa rao s/o Surya Rao
R/o d.No. 64--9-1A, S. Achuthapuram, Kakinada, East Godavari District
(Ex-Sr. Asst., GPCMS).
47 G. Ramachandra Raju S/o Narasimha Raju
R/o H.No. 8-1-97/1, Prasanthinagar, Khanapuram Haveli,
Khammam Urban Mandal,
Khammam District (Ex- Jr. Asst. GPCMS, Manugur).
48 B. Indra Reddy S/o Sai Reddy
R/o H.No. 3-12-22, Komarpally, Hanumkonda Warangal District

(Ex-Jr. Assistant, GPCMS, Narasampet).

49 N. Ramakrishnudu S/o Doraiah
R/o H.No. 14/99/1, Palaoncha, Khammam District
(Ex-Jr. Assistant, GPCMS, Dammapeta).
50 D. Venkaiah s/o Abbaiah
R/o H.No. 1-6-91/A, Gummuduru, Mahboobabad Warangal District
(Ex-Sr. Assistant, GPCMS, Mahadevpur)
51 Balla Raja Rao S/o Latchayya
R/o H.No. 14/9/59/2(1), Mavuri street, C.B. Road, C.B. Road, Srikakulam
(Ex-Sr. Assistant, GPCMS, Seetampeta).
52 M. Ramanna Dora S/o Abbai Dora,
Rampachodavaram Mandal East Godavari District
(Ex-MCW, GPCMS, Rampachodavaram)
53 K. Satyanarayana S/o bapanna Dora
R/o Seetapalli village, Rampachodavaram Mandal East Godavari District
(Ex-MCW, GPCMS, Rampachodavaram).
54 B. Satyanarayana Singh s/o Janardhan Singh
R/o Muladaranama Veedhi, Rampachodavaram, East Godavari District
(Ex-MCW, GPCMS, Rampachodavaram).
55 G. Varendra Prasad Sundarayya
R/o Gurthedu, Y. Ramavaram mandal East Godavari District
(Ex-MCW, GPCMS, Maredumilli).
56 N. Gandadhar s/o Vittal Rao
R/o Indervely, Adilabad District
(Ex-Jr. Assistant, GPCMS, Utnoor).
57 P. Somji s/o Jangu
R/o Komram Bheemnagar, Lakkaram, Utnoor Adilabad District
(Ex-MCW, GPCMS Ltd., Utnoor).
58 J. Mahanandarao S/o Rangarao
R/o Velma Bazar, Aswaraopet, Khammam District
(Ex-Sr. Assistant, GPCMS, Utnoor).
59 P. Damodar Rao s/o Bheem Rao
R/o D.No. 2-105/1, Gangaram Bus Stop, Chandranagar, Hyderabad
(Ex-Sr. Manager, GPCMS, Utnoor).
60 B. Muralidhar S/o Gundacharya
R/o H.No. 1-9-279, Ramnagar Gundu, Hyderabad
(Ex-Sr. Assistant, Regional Office, GCC Ltd. Hyderabad).
61 P. Venkata Narasapandu s/o Venkata Ratnam
R/o Flat No. 205, Devi Apartment, Brundavan Colony,
A.S. Rao Nagar, Hyderabad
(Ex-Jr. Assistant, Divl, Office, GCC Ltd., Paloncha).
62 K. Parwatalu S/o Sailu,
R/o H,.No. 8-7-91/2, Plot No,.2, Hastinapuram South,
R.R. Disrict, Hyderabad
(Ex-Sr. Assistant, GPCMS, Ltd., Jainoor).
63 A. Phalguna Pratap Vittal S/o A.M. Somasundaram
R/o H.No. 16--2-839/4/C, Madhavanagar, Saidabad Colony, Hyderabad
(Ex-Sr. Assistant, Divl, Office, GCC Ltd., Utnoor).
64 N. Nancharaiah, S/o Munaiah
R/o H.No. 24-123/1, College Road, Ibrahimpatnam, Krishna District
(Ex-Jr. Assistant, CPCMS, Ltd., Adilabad).

65 G. Meghya s/o Somla
R/o H.No. 1-7-392, Revenue Colony, Subedari, Hanumkonda,
Warangal District
66 Ch. Komaraiah s/o Doodaiah
R/o H.,No. 19-9-238, Ursu Road, Warangal
(Ex-Jr. Assistant, GPCMS, Mahadevpur).
67 T. Venkateswarlu s/o Gopaiah
R/o H.No. 10-6-95/3/1, Burhan Pura, Khammam
(Ex-Sr. Assistant, GCC Ltd., Kamareddy).
68 D.A. Ramasubrahmanyam S/o D.V. Suryanarayana Murthy,
R/o H.No. 22-3-134, Nehrunagar, Dammapeta Cross Road. Paloncha,
Khammam District (Ex-Sr. Assistant, GPCS., Paloncha).
69 Vepuri Lachaiah S/o Venkaiah
R/o Mogalaikota Post, Kodada Mandal, Nalgonda District
(Ex-Jr. Asst., GPCMS, Mannanoor).
70 P. Raghavulu s/o Chimperaiah
r/o Mandalapalli, Dammapeta Mandal, Khammam District
(Ex-MCW, GPCMS, Dammapeta).

..... PETITIONERS

AND

1 Girijan Cooperative Corporation Ltd., rep. by its
Vice-Chairman & Managing Director, Visakhapatnam
2 Government of Andhra Pradesh, rep. by its Secretary to Government
Social Welfare (GCC.2) Department, Secretariat, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more in the nature of Writ of Mandamus declaring the action of the respondents in not fixing the pay of the petitioners for the purpose of quantification of VRS benefits on application of Revised pay scales 1999 w.e.f. 1-7-98 as illegal, arbitrary and consequentially to direct the respondents to fix the pay of the petitioners as per RPS-1999 and to pay the consequential benefits to the petitioners by paying i) Arrears of Salary from 1-4-99 to 30-06-2001 consequent upon pay fixation; ii) The Differential amounts on computing the ex-gratia payable under VRS as per the revised pay scale; iii) the differential amount of gratuity as per the revised pay scales; iv) the differential amounts on encashment of earned leave on fixation of pay as per the revised pay scales, 1999; v) to pay the pension on application of RPS 1999 including arrears; vi) the interest on the above amounts from 8-1-2003.

Counsel for the Petitioner: MR.M.SUDHIR KUMAR

Counsel for the Respondent no.1: Mr. A.K.Jaiswal & N.Sridhar Reddy

Counsel for the Respondent no.2: G.P. for Social Welfare

The Court made the following :

ORDER:

Heard both sides and at their request, the main Writ Petition itself is taken up for disposal.

The petitioners, who are employees of the respondent, filed this Writ Petition, *inter alia,* seeking for VRS benefits on the basis of Revised Pay Scales, 1999 with effect from 01.07.1998. Though several contentions have been raised in the Writ Petition, however, in the counter affidavit filed by the respondents, it is stated that there can not be any dispute to the entitlement of the petitioners in respect of the aforesaid benefits, but since the Government is yet to release funds, they can not be made now, and as and when the funds are released from the Government, the same will be paid.

Having regard to the above and especially in view of the statement made in para 7 of the counter affidavit, it is not necessary to go into the merits of the case. It would suffice in the interest of justice to direct the respondents to make the payments at the earliest in terms of the statement made in the counter affidavit as and when the amounts are released by the second respondent. It is also needless to observe that the second respondent shall immediately finalise the entire process at the earliest within a period of two weeks from the date of receipt of copy of this Order.

The Writ Petition is disposed of accordingly. No costs.

(B.Prakash Rao, J.)

08.04.2005

DRK

Copy to:

1 The Chairman & Managing Director, Girijan Cooperative Corporation Ltd., Visakhapatnam

2 The Secretary to Govt., Social Welfare (GCC.2) Department, Government of Andhra Pradesh, Secretariat, Hyderabad

3 Two CCs to the G.P. for Social Welfare, High Court of A.P., High Court buildings, Hyderabad (o.u.t.)

4 Two CD copies.